

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

_____	:	Case No. 23-cv-9392-JR
MOMENTUM FUNDING, LLC,	:	
	:	
<i>Plaintiff,</i>	:	
v.	:	
	:	
NOVA FUNDING CORPORATION AND	:	
WELLWORTH LAWSUIT FUNDING LLC	:	
d/b/a NOVA LEGAL FUNDING d/b/a ALLY	:	
LAWSUIT LOANS,	:	
	:	
<i>Defendants.</i>	:	
_____	:	

NOTICE OF MOTION FOR DEFAULT JUDGMENT

PLEASE TAKE NOTICE THAT, in accordance with Federal Rule of Civil Procedure 55(b)(2) and Local Rule 55.2(b) Plaintiff Momentum Funding, LLC, by and through its undersigned counsel, moves for default judgment against Defendants Nova Funding Corporation and Wellworth Lawsuit Funding LLC d/b/a Nova Legal Funding d/b/a Ally Lawsuits Loans.

Dated: New York, New York
February 9, 2024

Respectfully Submitted,

On consideration of the parties' arguments (ECFS Nos. 28, 34, 38), Defendants' motion for default judgment is DENIED, and the certificate of default (ECF No. 20) is VACATED. The Court finds that (1) Defendants' default was not willful; (2) Defendants have presented a potentially meritorious defense; (3) Plaintiff will not suffer significant prejudice; and (4) there is a the strong preference for resolving cases on the merits weighing against granting the default. *See, e.g., SEC v. McNulty*, 137 F.3d 732, 738-41 (2d Cir. 1993). The Court excuses counsel's filing of Defendants' opposition two days prior to seeking *pro hac vice* admission. *See D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 108 n.2 (2d Cir. 2006) ("A district court has broad discretion to determine whether to overlook a party's failure to comply with local rules." (quotation marks and citation omitted)). Defendants shall respond to the complaint by **March 15, 2024**. The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 26 and 34.


By: 

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SO ORDERED.

Dated: March 1, 2024
New York, New York



JENNIFER L. ROCHON
United States District Judge